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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15798-2017

Date of decision:19.07.2018.

BHUPINDER SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashok Giri, Advocate, for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab, for respondent No.1.

Mr. Rahul Kumar Sharma, Advocate,
for respondent Nos.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.52 dated 25.09.2016 registered under Sections 353/186/323/294/506/148/149 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Mullanpur, District SAS, Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.04.2017 (Annexure P-2).

This Court vide order dated 05.05.2017 had directed the parties to appear before the learned Area Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Kharar and got their statements

recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 19.06.2017 to the effect that the compromise has been effected between the parties voluntarily, without any undue influence or without any pressure and the same is genuine.

Respondent No.2-complainant, namely, Bhupinder Kaur as well as Nasib Singh-respondent No.2 have made a joint statement with regard to compromise before learned Magistrate on 19.05.2017. The same is reproduced as under:-

“Stated that, we have heard the statement of accused, which is correct. We have compromised the matter with the accused with the intervention of the respectable. We have seen the original compromise, on which we identify our signatures, the photocopy of the same is Ex.C1. The compromise was entered into without any undue influence or without any pressure. We have no objection if the F.I.R. No.52 dated 25.9.2016 against the accused is quashed. There is no other person involved, who is not party in the present petition and whose consent is required for the compromise.”

Apart from above, a similar statement has been made by Gurinder Singh @ Rinku i.e. respondent No.3 whereby he has shown no objection to the FIR being quashed.

Learned counsel for the petitioners states that though the complainant in the present case is a Sarpanch of the Village, but in the light of judgment rendered by the Division Bench of this Court in **Vinod @ Boda and others Versus State of Haryana and another-2017(1) R.C.R. (Criminal) 571**, wherein FIR registered under Sections 148, 149, 332, 353, 186, 506 of IPC was quashed on the basis of compromise, the FIR in the present petition can also be quashed.

Learned State counsel as well as learned counsel for

the parties.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that the complainant has compromised the matter with the accused and he does not want any further proceedings to be conducted against the accused. Moreover, the offence as referred in the FIR is not so grave that the FIR cannot be quashed on the basis of compromise between the parties.

Hon'ble Division Bench of this Court in Vinod @ Boda and others' case (supra) has observed as under:

“16. In the present case, merely because the complainant was working as a teacher and injuries were caused to him while he was on duty at School, learned Single Judge has treated it to be a case of an offence against the 'society' observing that public servant has been prohibited from performing his duties, the proceedings cannot be quashed. Whereas, in the facts and circumstances of the case, the dispute was prima facie between the parties in their individual and private capacity. Therefore, even on merit, the present is a fit case where the ends of justice demand quashing of proceedings as the dispute has been settled amicably and this would bring harmony between the parties.

17. Moreover, in this case, the parties have already appeared before the Trial Court and the Trial Court has authenticated the compromise on the basis of the statements of the parties made before it.

18. For the reasons stated above, it is held that in view of settled law, as discussed above, the powers of High Court under Section 482 CrPC are wide enough, though to be exercised sparingly and judiciously, and this Court can quash criminal proceedings in the peculiar facts of the case even where offence is against public servant.

19. Consequently, in the facts and circumstances of this case and for the reasons aforesaid, we allow this petition. FIR No.13, dated 13.10.2010, under Sections 148, 149, 332, 353, 186, 506 of the Indian Penal Code, registered at Police Station Titram, District Kaithal, and all the criminal proceedings arising out of the said FIR stand quashed.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Thus, in view of the observations made by the Division Bench of this Court in **Vinod @ Boda and others' case (supra)** and following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.52 dated 25.09.2016 registered under Sections 353/186/323/294/506/148/149 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Mullanpur, District SAS, Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.04.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

19.07.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No